# House File 572 - Introduced

HOUSE FILE 572
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 388)

(COMPANION TO SF 369 BY SWEENEY)

# A BILL FOR

- 1 An Act prohibiting the use of remotely piloted aircraft flying
- over certain property, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. NEW SECTION. 715D.1 Definitions.
- 2 As used in this chapter:
- 3 1. "Agricultural animal" means an animal belonging to
- 4 the bovine, caprine, equine, ovine, or porcine species; farm
- 5 deer as defined in section 170.1; ostriches, rheas, or emus;
- 6 turkeys, chickens, domestic geese or ducks, or other domestic
- 7 fowl; or fish or other aquatic organisms confined in private
- 8 waters for human consumption.
- 9 2. a. "Convicted" means the entry of a judgment of
- 10 conviction under chapter 901 or adjudicated delinquent for an
- ll act which is an indictable offense in this state or in another
- 12 state under chapter 232.
- 13 b. "Convicted" does not mean a plea, sentence, adjudication,
- 14 deferred sentence, or deferred judgment which has been reversed
- 15 or otherwise set aside.
- 16 3. "Homestead" means property which is a dwelling owned or
- 17 leased by a person that is used as the principal residence for
- 18 a person and includes up to four hundred feet of surrounding
- 19 property owned or leased by the person.
- 20 4. "Remotely piloted aircraft" means a self-propelled
- 21 vehicle used for navigation and flight, that is controlled by
- 22 the use of an electronic system and is not designed to carry a
- 23 human.
- 5. a. "Secure farmstead area" means property owned or
- 25 leased by a person where agricultural animals are confined
- 26 and fed and maintained for forty-five days or more in any
- 27 twelve-month period, and includes up to four hundred feet of
- 28 surrounding property owned or leased by the person.
- 29 b. "Secure farmstead area" includes an open feedlot as
- 30 defined in section 459A.102, or a structure, including a barn
- 31 or similar building, used to maintain agricultural animals.
- 32 6. "Surveillance device" means a camera or electronic
- 33 equipment that transmits or records images, sounds, or data
- 34 if the transmission or recording is capable of reasonably
- 35 identifying any of the following:

- 1 a. The identity, physical appearance, conduct, or voice of
- 2 an individual.
- 3 b. The species of an agricultural animal.
- 4 c. The unique physical characteristics of land or an
- 5 improvement to land.
- 6 Sec. 2. NEW SECTION. 715D.2 Intrusion by use of remotely
- 7 piloted aircraft offense.
- 8 l. A person commits intrusion by the use of a remotely
- 9 piloted aircraft if the person knowingly does any of the
- 10 following:
- 11 a. Controls the flight of a remotely piloted aircraft over a
- 12 homestead.
- 13 b. Controls the flight of remotely piloted aircraft over a
- 14 secure farmstead area.
- 15 2. a. A person who commits intrusion by the use of a
- 16 remotely piloted aircraft is guilty of a simple misdemeanor.
- 17 b. Notwithstanding paragraph "a", a person who commits
- 18 intrusion by the use of a remotely piloted aircraft is quilty
- 19 of a serious misdemeanor if the person has previously been
- 20 convicted of any of the following:
- 21 (1) Intrusion by the use of a remotely piloted aircraft as
- 22 provided in this section.
- 23 (2) Surveillance by the use of a remotely piloted aircraft
- 24 as provided in section 715D.3.
- Sec. 3. NEW SECTION. 715D.3 Surveillance by use of remotely
- 26 piloted aircraft offense.
- 27 l. A person commits surveillance by the use of a remotely
- 28 piloted aircraft if the person knowingly does any of the
- 29 following:
- 30 a. Controls the flight of a remotely piloted aircraft
- 31 equipped with a surveillance device over a homestead.
- 32 b. Controls the flight of a remotely piloted aircraft
- 33 equipped with a surveillance device over a secure farmstead
- 34 area.
- 35 2. a. A person who commits surveillance by the use of a

- 1 remotely piloted aircraft is guilty of a serious misdemeanor.
- 2 b. Notwithstanding paragraph "a", a person who commits
- 3 surveillance by the use of a remotely piloted aircraft
- 4 is guilty of an aggravated misdemeanor if the person has
- 5 previously been convicted of any of the following:
- 6 (1) Intrusion by the use of a remotely piloted aircraft as 7 provided in section 715D.2.
- 8 (2) Surveillance by the use of a remotely piloted aircraft
- 9 as provided in this section.
- 10 Sec. 4. <u>NEW SECTION</u>. 715D.4 Injunctive relief —
- 11 harassment.
- 12 l. A person who is the owner or lessee of a homestead or
- 13 secure farmstead area may petition the district court to obtain
- 14 an order for a temporary injunction to prevent the respondent
- 15 from using any remotely piloted aircraft equipped with a
- 16 surveillance device, if a preponderance of evidence indicates
- 17 that the respondent is harassing the petitioner by controlling
- 18 the flight of the remotely piloted aircraft over the person's
- 19 homestead or secure farmstead area. The court shall grant
- 20 the temporary injunction for not more than two years. The
- 21 court may continue the injunction upon a petition filed by the
- 22 petitioner with the court prior to the order's expiration.
- 23 2. If a court grants an order for a temporary injunction
- 24 under subsection 1, the court may award the petitioner court
- 25 costs, reasonable attorney fees, and expenses related to the
- 26 petitioner's investigation and adjudication of the case, which
- 27 shall be taxed as part of the costs of the action.
- 28 Sec. 5. NEW SECTION. 715D.5 Exceptions.
- 29 This chapter does not prohibit a person controlling the
- 30 flight of a remotely piloted aircraft as provided in this
- 31 chapter if the person is any of the following:
- 32 l. A person who acts with the consent of the owner of the
- 33 homestead or secure farmstead area.
- 34 2. A department, division, or other unit of state government
- 35 of this state or any other state, city, county, township, or

- 1 other governmental subdivision, or any other public corporation
- 2 or agency created under the laws of this state, any other
- 3 state, the United States, or any department or agency thereof,
- 4 or any agency, commission, or authority established pursuant to
- 5 an interstate compact or agreement or combination thereof.
- 6 3. A public utility as defined in section 476.1.
- 7 4. A person who controls the flight of a remotely piloted
- 8 aircraft more than four hundred feet from the earth's surface.
- 9 5. A person who controls the flight of a remotely piloted
- 10 aircraft for the exclusive purpose of collecting information
- 11 regarding weather or climate conditions.
- 12 EXPLANATION
- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 15 GENERAL. This bill prohibits the use of remotely piloted
- 16 aircraft (RPA) flying over a homestead or that part of a
- 17 farmstead where agricultural animals are kept (secured
- 18 farmstead area).
- 19 TERMS. An RPA refers to a self-propelled vehicle used
- 20 for navigation and flight, is controlled by the use of an
- 21 electronic system, and is not designed to carry a human. A
- 22 homestead includes a dwelling owned or leased by a person that
- 23 is used as the principal residence for a person and includes
- 24 up to 400 feet of surrounding property owned or leased by that
- 25 person. A secure farmstead area refers to an open feedlot,
- 26 building, or other structure and includes up to 400 feet of
- 27 surrounding property. A surveillance device refers to a camera
- 28 or electronic equipment that transmits or records images,
- 29 sounds, or data; and that is capable of reasonably identifying
- 30 an individual, agricultural animal, or unique physical
- 31 characteristics of land or an improvement.
- 32 CRIMINAL OFFENSES. The bill creates two related criminal
- 33 offenses. A person commits intrusion by the use of an RPA
- 34 (intrusion) by knowingly controlling the flight of an RPA over
- 35 a homestead or secure farmstead area and a person commits

1 surveillance by the use of an RPA (surveillance) by controlling 2 the flight of an RPA equipped with a surveillance device over 3 those same locations. In each case, a criminal penalty is 4 enhanced if a person has been previously convicted of either 5 offense. In the case of a person committing intrusion, the 6 penalty is a simple misdemeanor subject to an enhanced penalty 7 of a serious misdemeanor and in the case of a person committing 8 surveillance the penalty is a serious misdemeanor subject to 9 an enhanced penalty of an aggravated misdemeanor. A simple 10 misdemeanor is punishable by confinement for no more than 30 11 days and a fine of at least \$105 but not more than \$855. A 12 serious misdemeanor is punishable by confinement for no more 13 than one year and a fine of at least \$430 but not more than 14 \$2,560. An aggravated misdemeanor is punishable by confinement 15 for no more than two years and a fine of at least \$855 but not 16 more than \$8,540. INJUNCTIVE RELIEF - HARASSMENT. An owner or lessee of a 17 18 homestead or secure farmstead area may bring a case in district 19 court as a petitioner in equity seeking to obtain a temporary 20 injunction to prevent the other party as the respondent from 21 harassing the petitioner by controlling the flight of an RPA 22 over the petitioner's homestead or secure farmstead area. 23 The temporary injunction is for not more than two years but 24 is subject to a court ordered continuance. A successful 25 petitioner may be awarded court costs, attorney fees, and 26 expenses. 27 EXCEPTIONS. The bill's provisions do not apply to a number 28 of persons including a person acting with the consent of the 29 owner of the homestead or secure farmstead area, a unit of 30 government, a public utility, a person who controls the flight 31 of an RPA more than 400 feet from the earth's surface, or a 32 person who controls the flight of an RPA for the purpose of 33 collecting information regarding weather or climate conditions.